

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Volkoff, et al.

Confirmation No.: 5701

Application No.: 09/873,196

Examiner: Shah, Nilesh

Filing Date: 6-25-01

Group Art Unit: 2127

Title: Use of Job Tickets to Secure Resource Access

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 3-30-05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: 5-25-05

OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages:

Typed Name: Marianne Boland

Signature: Marianne Boland

Respectfully submitted,

Volkoff, et al.

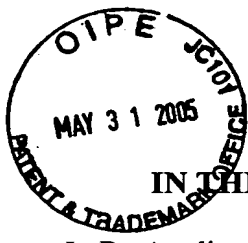
By David R. Risley

David R. Risley, Esq.

Attorney/Agent for Applicant(s)
Reg. No. 39,345

Date: 5-25-05

Telephone No.: (770) 933-9500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Volkoff, et al.

Serial No.: 09/873,196

Filed: June 5, 2001

Group Art Unit: 2127

Examiner: Shah, Nilesh

Docket No. 10005660-1

For: **Use of Job Tickets to Secure Resource Access**

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. §41.37 is submitted in support of the Notice of Appeal filed March 30, 2005, responding to the Final Office Action mailed December 17, 2004.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

06/01/2005 AMONDAF1 00000077 082025 09873196

01 FC:1402 500.00 DA

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 23-56 stand finally rejected. No claims have been allowed. The final rejections of claims 23-56 are appealed.

IV. Status of Amendments

This application was originally filed on June 5, 2001, with twenty-two (22) claims. In a Response filed September 22, 2004, Applicant canceled claims 1-23 and added new claims 23-56.

The above-identified amendments have been entered and no other amendments have been made to any of pending claims 23-56. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description (“specification”) and drawings. All references are shown in the application at least where indicated herein.

Independent claim 23 describes a method for completing jobs, such as print jobs. The method of claim 23 comprises receiving a job request that includes content and data describing how the job is to be completed. Page 7, lines 14-23; page 21, line 29 to page 22, line 1; page 25, lines 2-4; Figure 7, element 32; and Figure 10, element 205. In some embodiments, the job comprises a print job that entails the printing of a document, such as a company brochure. Page 1, line 11 and page 5, lines 18-25. Furthermore, the document may comprise discrete portions (e.g., front cover, inside pages) that are to be processed. Page 5, lines 25-28.

The method of claim 23 further comprises storing the content as one or more files. Page 8, lines 14-16, 18-22, 26-28; page 21, line 29 to page 22, line 7; and Figure 4, elements 50, 51. In some embodiments, the content may be in the form of multiple files, each pertaining to a discrete portion of a job that is to be printed. Page 8, lines 22-25.

The method of claim 23 further comprises creating a job ticket associated with the content using the data describing how the job is to be completed. Page 7, lines 1-2; page 10 lines 13-15; page 22, lines 2-5; page 25, lines 8-10; and Figure 19, element 230. The job ticket describes various tasks that must be completed to complete the job. Page 10, lines 14-16; page 11, lines 19-21; page 15, line 21 to page 17, line 17; and Figures 5A and 5B.

The method of claim 23 further comprises storing the job ticket. Page 9, lines 4-9; page 20, lines 20-24; Figure 4, elements 60, 61; and Figure 6, element 73.

The method of claim 23 further comprises assigning a processor to complete one or more of the tasks of the job. Page 10, lines 18-22; page 11, lines 19-21; page 22, lines 11-14; page 23, line 29 to page 24, line 5; and Figure 9, element 105. In some embodiments, the assignment depends upon the nature of the required tasks and the nature of the processors (e.g., printing services). For example, assigning a processor may depend upon the functional capabilities of the processors (page 10, lines 19-27), upon their cost bids (page 10, lines 28-30), upon the relevant transport distances (page 11, lines 19-24), upon the load capabilities of the processors (page 11, lines 19-24), etc.

Finally, the method of claim 23 comprises enabling the processor to access a portion of the job ticket associated with the one or more tasks, and to access a portion of the stored content upon which the one or more tasks are to be performed, such that the processor can complete the tasks to which the processor has been assigned. Page 9, lines 4-13, page 9, line 17 to page 10, line 12; page 22, lines 17-26; page 22, line 27 to page 23, line 23; page 24, lines 6-26; page 27, lines 14-29; page 28, lines 1-19; Figure 9, elements 110, 115, 125, 130; Figure 14; and Figure 15. In some embodiments, multiple processors (e.g., printing services) are provided access to multiple portions of the job, such as a front cover of a document versus inside pages of a document. Page 9, lines 17-24 and page 22, lines 24-26. In such a situation, the processors can access and process the portions of the job serially (e.g., sequentially) and/or simultaneously, depending upon the structure of the job ticket. Page 9, lines 17-24; page 22, lines 23-24; and page 23 lines 8-23.

Independent claim 44 describes a service center that receives job requests, such as print job requests from clients. The service center comprises a job store that stores content of jobs that are to be completed and provides access to the content.

Page 8, lines 18 to page 9, line 3; page 23, lines 8-9; page 24, lines 17-21; Figure 4, element 50; and Figure 9; element 130.

The service center of claim 44 further comprises a job ticket service that stores job tickets that describe how the jobs are to be completed and provides access to the job tickets, the job tickets comprising one or more branches that are associated with one or more tasks that must be completed to complete the jobs, the job tickets being associated with the stored content. Page 5, line 18 to page 6, line 21; page 9, line 4 to page 10, line 12; page 20, line 20 to page 21, line 24; page 23, line 24, line 24 to page 24, line 24; Figure 2; Figure 4, element 60; Figure 6; and Figure 9, element 125.

The service center of claim 44 further comprises a workflow controller that creates job tickets and assigns processors to complete the one or more tasks of the jobs based upon the processors' ability and availability to complete the one or more tasks. Page 10, line 13 to page 11, line 18, page 22, lines 10-16; page 23, line 29 to page 24, line 5; and Figure 4, element 70.

In the embodiment described in claim 44, more than one assigned processor may complete a task of a given job such that multiple processors can be used to complete the same job. Page 9, lines 17-24; page 11, lines 24-29; and page 22, lines 9-26.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on appeal:

1. Claims 23-25, 28-32, 35-38, 42-44, 48-51, and 54-56 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rosekrans, et al. ("Rosekrans," U.S. Pat. No. 5,450,571).

2. Claims 26-27, 33-34, 39-41, 45-47, and 52-53 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosekrans in view of Nevarez, et al. (“Nevarez,” U.S. Pat. No. 6,189,103).

VII. Arguments

The Appellant respectfully submits that claims 23-25, 28-32, 35-38, 42-44, 48-51, and 54-56 are not anticipated under 35 U.S.C. § 102, and that claims 26-27, 33-34, 39-41, 45-47, and 52-53 are not obvious under 35 U.S.C. § 103(a). Applicant therefore respectfully requests that the Board of Patent Appeals overturn the final rejections of claims 23-56, at least for the reasons discussed below.

I. Claim Rejections - 35 U.S.C. § 102(b)

Claims 23-25, 28-32, 35-38, 42-44, 48-51, and 54-56 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rosekrans, et al. (“Rosekrans,” U.S. Pat. No. 5,450,571). Applicant respectfully traverses this rejection.

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is disclosed in the Rosekrans reference. Applicant discusses and the Rosekrans reference and Applicant’s claims in the following.

A. The Rosekrans Reference

Rosekrans discloses a filtering process for a printing system that filters out non-selectable print programming selections. Specifically, Rosekrans' process determines the processing capabilities (i.e., functionalities) of a group of available printers and, based on their capabilities, masks (i.e., removes) the unavailable printing options presented to the user in a graphical printing interface so that the user cannot select a printing option that his or her selected printer is not capable of performing.

Figure 1 illustrates an example system 10 in which Rosekrans' process is performed. As is indicated in that figure, the system 10 includes a plurality of clients 15 (personal computers) that are connected to a network 27 to which are also connected a plurality of printers 12. Rosekrans, column 2, line 63 to column 3, line 28. Further connected to the network 27 is a print server 25 that receives and manages print jobs. Rosekrans, column 3, lines 21-28.

The clients 15 have an interactive screen 17, which enables printing options to be presented to the user for selection in a job ticket. Rosekrans column 3, lines 21-25. More particularly, the job ticket provides the sets of commands that are used to communicate the user's printing selections to the server 25. Rosekrans, column 3, lines 62-68. The job ticket forms part of the print job that is ultimately sent to the server 25 for management. Rosekrans, column 3, lines 29-32.

Prior to submission of the print job to the server 25, a print queue that pertains to a given printer 12 is selected by the user, such that the user selects a printer. Rosekrans, column 4, lines 20-24. Once the printer selection is made, an electronic job ticket is generated for presentation to the user to enable the user to select the various printing options, such as the media on which the job is to be printed (e.g., transparency media versus paper). Rosekrans, column 4, lines 12-17. When the job ticket is presented to the

user, the user makes his or her selections from the ticket, and then sends the job, along with the ticket, to the print server 25 so that the server can ensure that the job is completed by the user-selected printer. Rosekrans, column 4, lines 24-37.

Given that the various available printers 12 may have different capabilities, “filtering” is performed on the electronic job ticket before it is presented to the user. Rosekrans, column 4, line 63 to column 5, line 1. Specifically, the Rosekrans system applies a “mask” to the job ticket such that the ticket that is displayed to the user only reflects the various printing options that the selected printer is capable of performing. Rosekrans, column 5, lines 5-65. Therefore, to cite an example, if the user-selected printer cannot print on transparencies, the “print on transparency” option is filtered out from the electronic job ticket so that that option is not presented to the user. See Rosekrans, column 6, lines 17-29. Operating in this manner, the Rosekrans system avoids undesired printing results that can occur due to a user selecting a printing option that the selected printer cannot satisfy (e.g., printing a color document on a printer that only prints in monochrome).

B. Applicant’s Claims

Applicant’s claims contain many limitations that are not taught by Rosekrans. Applicant discusses several of those claim limitations in the following.

1. Claims 23-25, 28-32, 35-38, and 42-43

Independent claim 23 provides as follows (emphasis added):

23. A method for completing jobs, comprising:
*receiving a job request that includes content and data
describing how the job is to be completed;*

storing the content as one or more files;
creating a job ticket associated with the content using the data describing how the job is to be completed, the job ticket describing various tasks that must be completed to complete the job;
storing the job ticket;
assigning a processor to complete one or more of the tasks of the job; and
enabling the processor to access a portion of the job ticket associated with the one or more tasks ***and to access a portion of the stored content*** upon which the one or more tasks are to be performed, such that the processor can complete the tasks to which the processor has been assigned.

As is described above, the Rosekrans reference generally concerns print jobs and “job tickets.” Despite that fact, the Rosekrans reference is clearly deficient in anticipating each limitation of Applicant’s claim 23. Applicant discusses several of those limitations in the following.

(a) Receiving a Job Request and Creating a Job Ticket from the Request

As a first matter, Rosekrans does not teach “receiving a job request that includes content and data describing how the job is to be completed” *and then* “creating a job ticket associated with the content using the data describing how the job is to be completed, the job ticket describing various tasks that must be completed to complete the job”. In support of the argument that Rosekrans does teach those limitations, the final Office Action cited column 2, lines 9-21 of the Rosekrans disclosure. The entirety of that portion of the Rosekrans reference provides as follows:

. . . the steps of: providing a common electronic job ticket having a first binary inter-client protocol format and a second client-server protocol format for use by the clients in programming printing instructions for print jobs; providing a printer user interface mask file for each of the printers identifying the programming selections . . .

Clearly, the above excerpt says nothing about “receiving a job request *that includes content and data describing how the job is to be completed*”. Even if one considered submission of Rosekrans’ print job (which includes the job ticket) to the print server 25 as comprising “receiving a job request that includes content and data describing how the job is to be completed”, it cannot be said that Rosekrans actually teaches “creating a job ticket associated with the content *using the data describing how the job is to be completed*”. Specifically, in the Rosekrans’ system, the data that describes how the user’s job is to be completed is the job ticket itself. Again, Rosekrans’ system operates by presenting a “job ticket” to the user that the user may use to enter the various printing selections for a given print job (e.g., selecting transparency media). In contrast, in the method described in claim 23, the user sends print data and the applicable printing selections to another component (such as a print server), *and the job ticket is then created from that information*. Therefore, to summarize, Rosekrans’ method provides a job ticket to the user as a means to collect the user’s printing selections, while previously-entered user selections are used to *create* a job ticket in Applicant’s claimed method. As the following explains, these differences have significance beyond themselves.

(b) Assigning a Processor to Complete Task of the Print Job

Applicant further notes that Rosekrans does not teach “assigning a processor to complete one or more of the tasks of the job”. Although the user can “select” a printer in the Rosekrans system, Rosekrans simply does not mention assigning a processor to complete one or more of the tasks of the job. Neither column 3, lines 62-67, nor column 4, lines 25-37, which were cited in the final Office Action, identify such assigning. Specifically, those portions provide as follows:

Referring also to FIGS. 3-5, to enable a user at one of clients 15-1, 15-2, 15-3, . . . 15-n to program jobs, an electronic job ticket 35 is provided. Job ticket 35 has multiple formats including a client/server protocol job ticket 35-1 that provides the set of commands that are used to communicate the printing selections from the client 15-1, 15-2, 15-3, . . . 15-n to server 25.

Following programming of the printing selections for the job, the client/Server Job Ticket 35-1 that is created is sent to the print queue 42-1, 42-2, 42-3, . . . 42-n selected. The electronic documents 45 that comprises the document papers to be printed, which may reside at the client 15 itself, or in a directory on server 25, or elsewhere in system 10, are also obtained. Where the file 45 resides in server 25, the client/server job ticket 35-1 includes a reference to the file location. Alternately, the file 45 may be prepended to the PDL file. A server/processor in server 25 processes the electronic documents 45 for printing by the selected printer.

Not only does Rosekrans not teach such assigning in columns 3 and 4, it is clear that Rosekrans teaches the *opposite* of such assigning. Again, unlike Applicant’s claimed method, Rosekrans uses the job ticket to receive the user’s printing selections. Significantly, that job ticket is only presented to the user *after* the

user has selected the printer that he or she would like to use. It is only then that the Rosekrans system can perform its “masking” of unavailable printing options. It therefore follows that Rosekrans’ system does not “assign” any processor (i.e., printer) given that the selection has already been made by the user before Rosekrans’ system begins to act. Therefore, Rosekrans teaches first receiving a printer selection and then requesting user printing selections, while claim 23 recites first receiving user printing selections and then *assigning* a processor (e.g., printer) that satisfies those selections.

(c) Enabling a Process to Access a Portion of the Job Ticket

As a final matter in regard to claim 23, Applicant notes that Rosekrans does not teach “enabling the processor to *access a portion of the job ticket* associated with the one or more tasks and to *access a portion of the stored content* upon which the one or more tasks are to be performed, such that the processor can complete the tasks to which the processor has been assigned”. In the final Office Action, it is alleged that column 4, lines 25-37 and column 6, lines 4-8 of the Rosekrans disclosure teach the above limitations. In their entirety, those portions of the Rosekrans disclosure provide as follows:

Following programming of the printing selections for the job, the client/Server Job Ticket 35-1 that is created is sent to the print queue 42-1, 42-2, 42-3, . . . 42-n selected. The electronic documents 45 that comprises the document papers to be printed, which may reside at the client 15 itself, or in a directory on server 25, or elsewhere in system 10, are also obtained. Where the file 45 resides in server 25, the client/server job ticket 35-1 includes a reference to the file location. Alternately, the file 45 may be prepended to the PDL file. A

server/processor in server 25 processes the electronic documents 45 for printing by the selected printer.

When the print program selections are completed, the electronic documents 45 for the print job are normally placed in a document directory 70 in server 25 while the client/server job ticket 35-1 is sent to the print queue 42 selected.

Simply stated, the above excerpts are silent as to *providing access* to a *portion* of a job ticket or *providing access* to a *portion* of stored content. In regard to the job ticket, Rosekrans' print server 25 simply *sends* the *entire* job ticket to the selected printer. By not simply providing access to a portion of the job ticket, and thereby maintaining control over the job ticket and the various processing it specifies, it follows that the Rosekrans method cannot be used to control the processing of the print job as with Applicant's claimed method. Therefore, for example, multiple processors cannot process the job, either sequentially or simultaneously (see discussion of dependent claims below). In regard to the content, Rosekrans says nothing about providing access to only a portion of the content. This further proves that the Rosekrans method cannot be used to control processing of the print job.

(d) Dependent Claims

In view of the above, Rosekrans does not anticipate claim 23. Applicant therefore submits that claim 23 and its dependents are allowable over the Rosekrans reference. Applicant notes, however, that the claims that depend from claim 23 comprise several limitations that are not anticipated by Rosekrans. Applicant discusses some of these claims in the following.

Regarding claim 25, Rosekrans does not teach “creating a job ticket that includes a job ID that associates the job ticket with the stored content”. Column 4, lines 9-18 of the Rosekrans disclosure, identified in the final Office Action, do not provide a teaching as to a job ID. Regarding the newly-cited passages identified in the Advisory Action, column 4, lines 31-34, column 2, lines 13-16, and column 4 lines 55-60 similarly fail to teach a job ID.

Regarding claim 28, Rosekrans does not teach “determining which processors are able and available to complete the one or more tasks”. As is noted above, Rosekrans teaches the opposite: the *user* simply selects a printer, and the abilities of the selected printer are conveyed to the user through the electronic job ticket. No determination is made as to which processors are “able” and “available” for the processing that the user desires. Notably, each of claims 29-32 depend from claim 28.

Regarding claims 29 and 30, Rosekrans says nothing about “polling the processors” or “posting a job ticket notice that enables processors to bid on the one or more tasks”. This is not surprising given that the manner in which the Rosekrans system operates. Again, the user simply selects the printer he or she would like to use (e.g., a nearby printer). Regarding the newly-cited passages identified in the Advisory Action, none of column 5, lines 1-30, column 6 lines 41-45, column 6, lines 56-59, or column 10, lines 1-14 teach *polling* the processors to determine the ability and availability of the processors *in the process of assigning a processor*. Applicant submits that the claims must be considered as a whole and that the context of the limitations of the claims must be considered when determining patentability.

Regarding claims 31 and 32, Rosekrans does not teach “receiving bids to complete the one or more tasks and evaluating the bids” or “applying a set of criteria or

applying an evaluation algorithm”. Rosekrans is silent as to those aspects of Applicant’s claimed method.

Regarding claim 35, Rosekrans clearly fails to teach “assigning multiple different processors to complete different tasks of the job”. Again, in the Rosekrans process, the user selects a single printer, and that printer is used to process the print job. Rosekrans provides no indication whatsoever that a print job is or can be processed by more than one processor. Indeed, as is discussed above, the *entire job ticket* is provided to the user-selected printer, so only that printer will have the ability to process the job. Notably, claims 36-38 and 42 depend from claim 35.

Finally, regarding claims 36, 37, and 42, Rosekrans does not teach “enabling different processors to access portions of the job ticket and portions of the stored content associated with tasks to which they have been assigned”, “wherein the different processors are provided access to separate branches of the job ticket associated with different tasks to be performed”, or “controlling the order in which the different tasks of the job are completed and by which processor”. Applicant refers back to Applicant’s comments regarding claim 35 and further notes that nowhere does Rosekrans mention “branches” of a job ticket. This concept is simply not contemplated by Rosekrans. As is described by Applicant in Applicant’s specification, branches are defined for the job ticket, for example, to enable different processors (e.g., printers) to complete different aspects of the job, which pertain to the different branches. Only one printer completes the job in Rosekrans’ system because the entire job ticket is “sent” to a single printer.

2. Claims 44, 48-51, and 54-56

Independent claim 44 provides as follows (emphasis added):

44. A service center that receives job requests from clients, the service center comprising:

a job store that stores content of jobs that are to be completed and provides access to the content;

a job ticket service that stores job tickets that describe how the jobs are to be completed and provides access to the job tickets, *the job tickets comprising one or more branches that are associated with one or more tasks that must be completed to complete the jobs*, the job tickets being associated with the stored content; and

a *workflow controller that* creates job tickets and *assigns processors to complete the one or more tasks of the jobs based upon the processors' ability and availability to complete the one or more tasks*;

wherein more than one assigned processor may complete a task of a given job such that multiple processors can be used to complete the same job.

The Rosekrans disclosure is similarly deficient in relation to Applicant's claim

44. Applicant discusses several of the limitations of claim 44 in the following.

(a) Job Tickets Comprising Branches that are Associated with Tasks

Rosekrans does not teach a job ticket service that stores job tickets that describe how the jobs are to be completed, the job tickets "comprising one or more branches that are associated with one or more tasks that must be completed to complete the jobs, the job tickets being associated with the stored content". As is noted above, Rosekrans says nothing about job tickets that comprise "branches" that are associated with tasks that are to be completed. The reason for this is simple: Rosekrans does not contemplate a system in which multiple processors (e.g., printers)

can be used to complete different aspects of a job. Again, Rosekrans only discloses “sending” a single job ticket to a single printer.

(b) Assigning Processors Based Upon Ability and Availability

Rosekrans further does not teach a workflow controller that creates job tickets and “assigns processors to complete the one or more tasks of the jobs based upon the processors’ ability and availability to complete the one or more tasks”. As is noted above in relation to method claim 23, nothing in the Rosekrans system “assigns processors to complete the one or more tasks of the jobs based upon the processors’ ability and availability”. Instead, it is the *user* who chooses the printer, and the system that masks unavailable printing options based on the user’s selection. No determination is made as to a processor’s ability or availability, and no work flow controller assigns the processor to complete any task based upon those determinations.

As for the newly-cited portions of the Rosekrans disclosure identified in the Advisory Action, Applicant notes that Rosekrans does not teach assigning a processor based on its “availability” in column 4, lines 44-62. Instead, that portion of the disclosure only teaches providing user selections that pertain to the ability (i.e., the functionality) of a printer, not its availability. Furthermore, no printer is assigned by the Rosekrans system. Instead, it is the user that has selected the printer in column 4, lines 44-62.

(c) Multiple Processors Used to Complete the Same Job

Finally, Rosekrans certainly does not teach a system wherein “more than one assigned processor may complete a task of a given job such that multiple processors

can be used to complete the same job”. Again, Rosekrans only contemplates a single printer completing a given print job. Nothing in the Rosekrans reference teaches or even suggests otherwise.

(d) Dependent Claims

In view of the above, Rosekrans does not anticipate claim 44. Applicant therefore submits that claim 44 and its dependents are allowable over the Rosekrans reference. Applicant notes, however, that the claims that depend from claim 44 comprise several limitations that are not anticipated by Rosekrans. Applicant discusses some of these claims in the following.

Regarding claim 48, Rosekrans fails to teach a work flow controller that “determines which processors are able and available to complete the one or more of the tasks”. See the discussion of claim 28 above. Regarding the new allegation contained in the Advisory Action that Rosekrans teaches such determining in column 6, lines 41-45 and lines 56-59, and column 10, lines 1-14, these sections do not teach making such a determination. For example, none of those sections teach determining the availability of a processor. Notably, each of claims 49-51 depend from claim 48.

Regarding claims 49 and 50, Rosekrans does not teach that the work flow controller “determines which processors are able and available by polling the processors” or “determines which processors are able and available by posting job ticket notices that enable processors to bid on the one or more tasks”. See the discussion of claims 29 and 30 above.

Regarding claim 51, Rosekrans does not teach “a bidding service that receives and evaluates bids to complete the one or more tasks”. Simply stated, Rosekrans says *nothing* about bidding for processing jobs.

Finally, regarding claims 54 and 55, Rosekrans does not teach a work flow controller that is “configured to assign different processors to complete different tasks of a job” or to “control the order in which the different tasks of the job are completed and by which processor”. See the discussion of claims 35 and 42 above.

C. Conclusion

Due to the many clear shortcomings of the Rosekrans reference described in the foregoing, Applicant respectfully asserts that Rosekrans does not anticipate Applicant’s claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 26-27, 33-34, 39-41, 45-47, and 52-53 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosekrans in view of Nevarez, et al. (“Nevarez,” U.S. Pat. No. 6,189,103). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations. Applicant discusses the Nevarez reference and Applicant's claims in the following.

A. The Nevarez Reference

Nevarez discloses a system and method for delegating security rights to "Java servlets." As is described by Nevarez:

The present invention provides methods, systems, and devices for delegating security rights to Java servlets and other executable tasks. In general, the invention provides authority delegation in systems with secure operating system queues. In particular embodiments, the invention allows secure loading of Java servlets on a NetWare server (NETWARE is a mark of Novell, Inc.). The servlets can execute on the server with delegated authority from the client that submitted the request being serviced by the servlet.

[Nevarez, column 4, lines 52-61]

Nevarez provides an explicit definition of what a "Java servlet" is in column 1:

Servlets are focused code components (sometimes called "modules" or "plug-ins") which can be added to an existing server with relatively little effort. Each servlet preferably has a well-defined task, such as servicing database requests, sending email, translating IP addresses into domain names, uploading files, posting news group messages, and so forth. Java servlets are portable between platforms by virtue of being implemented in Java bytecodes (JAVA is a mark of Sun Microsystems, Inc.). Indeed, "servlet" is often (but not always) used as a synonym for "Java servlet."

[Nevarez, column 1, lines 29-38]

From the above, it can be appreciated that Nevarez does *not* teach or suggest encrypting a "job ticket" or confirming that a "processor" is authorized to access a particular portion of a job ticket.

B. Applicant's Claims

As is identified above in reference to independent claims 23 and 44, Rosekrans fails to teach many of Applicant's explicit claim limitations. In that the Nevarez reference does not remedy the deficiencies of the Rosekrans reference, Applicant respectfully submits that claims 26-27, 33-34, 39-41, 45-47, and 52-53 are allowable over the Rosekrans/Nevarez combination for at least the same reasons that claims 23 and 44 are allowable over Rosekrans. Regardless, Applicant notes that those dependent claims also contain limitations that are taught by neither Rosekrans nor Nevarez.

The Examiner relies upon the Nevarez reference to support the argument that it would have been obvious to provide encryption to the Rosekrans method. Although Nevarez does teach the use of encryption in relation to "Java servlets," it is clear that Nevarez's teachings fall far short of rendering Applicant's explicit claim limitations obvious.

Beginning with claims 26 and 27, neither Rosekrans nor Nevarez teach or suggest “creating an encrypted job ticket”, for example by “creating a job ticket that includes authorization and access data that indicate which processors can access the job ticket”. Simply stated, neither Rosekrans nor Nevarez contemplates encrypting a job ticket. Applicant notes with specificity that column 2, lines 9-21 of the Nevarez disclosure do not, as is suggested in the final Office Action, teach or suggest an encrypted job ticket.

Regarding claims 33 and 34, neither Rosekrans nor Nevarez teach or suggest “confirming that the processor is authorized to access the portion of the job ticket and the portion of the stored content”. Rosekrans is silent as to confirming authorization. Nevarez says nothing about confirming that a process is authorized to access a “portion” of a “job ticket”. Column 5, lines 35-55 and column 53-65 of the Nevarez reference do not disclose such confirmation.

In regard to claims 39-41, neither Rosekrans nor Nevarez teach or suggest “locking branches of the job ticket such that only certain processors can access certain branches of the job ticket”. Again, Rosekrans does not contemplate the concept of “branches” of a job ticket. Nevarez is likewise deficient in this regard. Indeed, Nevarez says nothing about “job tickets”. Column 5, lines 35-55 and column 53-65 of the Nevarez reference do not disclose anything about job tickets, or job ticket branches.

Regarding claims 45-47, Applicant refers to the discussion of claims 39-41.

With respect to claims 52 and 53, neither Rosekrans nor Nevarez teach or suggest an authentication server that receives authentication information from processors and confirms that the processors are “authorized to access requested job

tickets”. Column 6, lines 30-35 and column 10, lines 27-40 of the Nevarez reference to not disclose such confirmation.

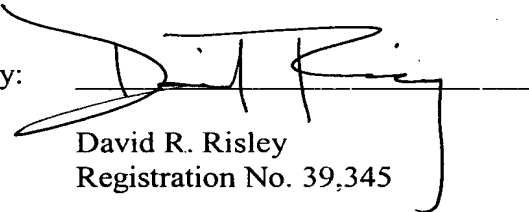
C. Conclusion

In summary, it is Applicant’s position that a *prima facie* for obviousness has not been made against Applicant’s claims. Therefore, it is respectfully submitted that each of these claims is patentable over Rosekrans/Nevarez and that the rejection of these claims should be withdrawn.

VII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: 
David R. Risley
Registration No. 39,345

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA,
22313-1450 on:

May 25, 2005
Marianne Boland
Signature



Claims Appendix under 37 C.F.R. §41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1-22. (Canceled)

23. A method for completing jobs, comprising:

receiving a job request that includes content and data describing how the job is to be completed;

storing the content as one or more files;

creating a job ticket associated with the content using the data describing how the job is to be completed, the job ticket describing various tasks that must be completed to complete the job;

storing the job ticket;

assigning a processor to complete one or more of the tasks of the job; and

enabling the processor to access a portion of the job ticket associated with the one or more tasks and to access a portion of the stored content upon which the one or more tasks are to be performed, such that the processor can complete the tasks to which the processor has been assigned.

24. The method of claim 23, wherein receiving a job request comprises receiving a job request from a front end service associated with a client.

25. The method of claim 23, wherein creating a job ticket comprises creating a job ticket that includes a job ID that associates the job ticket with the stored content.

26. The method of claim 23, wherein creating a job ticket comprises creating an encrypted job ticket to which only authorized clients, including authorized processors, can access.

27. The method of claim 23, wherein creating a job ticket comprises creating a job ticket that includes authorization and access data that indicate which processors can access the job ticket.

28. The method of claim 23, wherein assigning a processor to complete one or more of the tasks comprises determining which processors are able and available to complete the one or more tasks.

29. The method of claim 28, wherein determining which processors are able and available comprises polling the processors.

30. The method of claim 28, wherein determining which processors are able and available comprises posting a job ticket notice that enables processors to bid on the one or more tasks.

31. The method of claim 30, further comprising receiving bids to complete the one or more tasks and evaluating the bids.

32. The method of claim 31, wherein evaluating the bids comprises applying a standard set of criteria or applying an evaluation algorithm.

33. The method of claim 23, wherein enabling a processor comprises confirming that the processor is authorized to access the portion of the job ticket and the portion of the stored content.

34. The method of claim 33, wherein confirming that the processor is authorized comprises applying a public key encryption system.

35. The method of claim 23, comprising assigning multiple different processors to complete different tasks of the job.

36. The method of claim 35, further comprising enabling different processors to access portions of the job ticket and portions of the stored content associated with tasks to which they have been assigned.

37. The method of claim 36, wherein the different processors are provided access to separate branches of the job ticket associated with different tasks to be performed.

38. The method of claim 37, wherein the different processors may access the separate branches simultaneously such that the job can be completed in parallel.

39. The method of claim 37, further comprising locking branches of the job ticket such that only certain processors can access certain branches of the job ticket.

40. The method of claim 39, wherein locking branches comprises setting a lock or unlock flag for job ticket branches.

41. The method of claim 39, wherein locking branches is performed when more than one processor is authorized to access the same branch so as to prevent concurrent access of that same branch.

42. The method of claim 35, further comprising controlling the order in which the different tasks of the job are completed and by which processor.

43. The method of claim 23, wherein the job is a print job, the content is content to be printed, and the processor is a provider that performs printing services.

44. A service center that receives job requests from clients, the service center comprising:

a job store that stores content of jobs that are to be completed and provides access to the content;

a job ticket service that stores job tickets that describe how the jobs are to be completed and provides access to the job tickets, the job tickets comprising one or more branches that are associated with one or more tasks that must be completed to complete the jobs, the job tickets being associated with the stored content; and

a workflow controller that creates job tickets and assigns processors to complete the one or more tasks of the jobs based upon the processors' ability and availability to complete the one or more tasks;

wherein more than one assigned processor may complete a task of a given job such that multiple processors can be used to complete the same job.

45. The service center of claim 44, wherein the job ticket service provides processors with access to the job tickets by providing access to branches of the job tickets that pertain to different tasks of the jobs.

46. The service center of claim 45, wherein the job ticket service is capable of locking branches so that only authorized processors may access those branches.

47. The service center of claim 44, wherein the work flow controller creates job tickets that include authorization and access data that indicate which processors can access the job ticket.

48. The service center of claim 44, wherein the work flow controller determines which processors are able and available to complete the one or more of the tasks.

49. The service center of claim 48, wherein the work flow controller determines which processors are able and available by polling the processors.

50. The service center of claim 48, wherein the work flow controller determines which processors are able and available by posting job ticket notices that enable processors to bid on the one or more tasks.

51. The service center of claim 50, further comprising a bidding service that receives and evaluates bids to complete the one or more tasks.

52. The service center of claim 44, further comprising a authentication server that receives authentication information from processors and confirms that processors are authorized to access requested job tickets.

53. The service center of claim 52, wherein the authentication server applies a public key encryption system to confirm processor authorization.

54. The service center of claim 44, wherein the work flow controller is configured to assign different processors to complete different tasks of a job.

55. The service center of claim 54, wherein the work flow controller is configured to control the order in which the different tasks of the job are completed and by which processor.

56. The service center of claim 44, wherein the job is a print job, the content is content to be printed, and the processor is a provider that provides printing services.

Evidence Appendix under 37 C.F.R. §41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. §41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.